

European Communities

EUROPEAN PARLIAMENT

Working Documents

1982-1983

21 December 1982

DOCUMENT 1-1067/82

MOTION FOR A RESOLUTION

tabled by Mr LOMAS

pursuant to Rule 47 of the Rules of Procedure

on the Sioux Indians of the Black Hills, U.S.A.

PE 82.281

- A. Noting that in 1868, under the Treaty of Fort Laramie, all of the western South Dakota (west of Missouri River) was set aside as a reservation for the Lakota people,
- B. Noting that in 1874 this Treaty was violated by Americans, and that in 1876 the United States tried to buy the land from the Sioux, and when unable to do so, passed a bill - "the sell or starve bill" - which stated the Sioux would not receive any rations until they sold the Black Hills. Despite this threat, the Sioux refused to sell,
- C. Noting that under the Treaty, three quarters of adult male signatures were required from the Indians before the Black Hills could be sold. Nevertheless, without the required signatures the United States took the land,
- D. Noting that the United States finally consented in 1920 to the Indians suing in the Court of Claims, thereby admitted that the Indians had a claim, but restricting their right to sue for money only and not land. The Court of Claims dismissed their case, stating that it involved only 'fair and honourable dealings'. Noting that in 1946, Congress passed the Indian Claims Commission Act, which still only allowed tribes to sue for money and not land. That the Black Hills case was heard and the Claims Commission ruled that the tribe was entitled to seventeen and a half million dollars, plus simple interest which came to one hundred and two and a half million dollars. The U.S. Government then appealed against the interest part of the decision. The Court of Claims then ruled that the case had been settled in the 1920's and found against the tribe.
- E. Noting that in 1978 the lawyer formerly representing the Black Hills Indians, but not then instructed by them, refiled the case without taking their opinion and without a contract. The outcome of this hearing was that the Supreme Court stated the United States could take the Black Hills under the Fifth Amendment by condemning the land, the lawyer stated the Lakota did not want the land, only money, and conceded that the land was properly taken under the Fifth Amendment - a position the Lakota was against.

- F. Noting that NONE of the conditions under the Fifth Amendment had been met, in that the Fifth Amendment states the land must be taken for a public purpose, the people who own the land must be given due process of law, and that just compensation must be given to the people who own the land,
- G. Noting that the land of the Black Hills is rich in uranium, coal and other valuable minerals,
- H. Concerned that the Sioux Indians are discriminated against in their rightful and legitimate claim to the Black Hills,
- I. Concerned that during the years 1973 - 1976, more than 3,400 women of child-bearing age, the youngest aged thirteen years, were sterilised without their consent, thereby suffering extreme mental anguish,
- J. Noting that the Sioux Indians, during the period of 1973 - 1976 numbered only 3,400 and that the forced sterilisation was a real threat of their extinction,
- K. Noting that although there are representatives of the North American Indians on the sub-commission on the prevention of discrimination and protection of minorities, it is only observer status,
- L. Noting that the Sioux Indians have suffered from discrimination and lack of human rights for over one hundred years,
 - 1. Calls on the President to approach the Government of the United States of America to ensure that the Black Hills land is returned to the sioux Indians, to lwhom it rightfully belongs;
 - 2. Urges the President to forward this Resolution to the Government of the United States;
 - 3. Calls on the Commission and the Council to protest to the Government of the United States at the lack of human rights afforded to the Sioux Indians, in particular the denial of their right to the Black Hills land and the enforced sterilisation of the Sioux women.

4. Approves the translation of this memorandum for young people under the personal responsibility of the author, and its distribution to the young men and women of Europe through the European Youth FORUM, through institutes of higher education, especially those with departments of European studies, trade unions, particularly those comprising young people, and youth organizations of all parties, etc;
5. Instructs its President to forward this resolution to the Council of Ministers and the Commission of the European Communities, with the request that the latter ensure its distribution.